

.FO 1

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6197 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

1. Whether Reporters of Local Papers may be allowed to see the judgements? - Yes.

JJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJ

2. To be referred to the Reporter or not? - No.

[illegible]

J

3. Whether Their Lordships wish to see the fair copy of the judgement? - No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.

5. Whether it is to be circulated to the Civil Judge?—No.

KALU KARSHAN KHANDE

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

Mr.A.J. Desai, A.G.P. for the Respondents.

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 06/10/97

ORAL JUDGEMENT

The petitioner, Kalu Karshan Khande, has filed the application against his detention under the Gujarat Prevention of Anti-Social Activities Act, 1985 (for short, 'PASA').

The applicant was detained by the Police Commissioner, Ahmedabad City, in exercise of his powers under Section 3(1) of the PASA under his order dated 16.6.1997. The Police Commissioner issued the said detention order on being satisfied with respect to the applicant that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, it was necessary to detain the applicant. Pursuant to the order passed by this Honourable Court on 23rd September, 1997, the detenu-petitioner was kept present before the Court by the Jail Authority. He has been heard. He has prayed for mercy only. I have perused the contemporaneous record, including the detention order and the grounds in support thereof. The applicant has been involved in four criminal cases, two of which are for the offences under Sections 379 and 461 read with Section 114 of the Indian Penal Code. The petitioner is also involved in two cases for the offence under Section 392 read with Section 114 of the Indian Penal Code. All the four cases under IPC are pending for trial in the court. The Detaining Authority has recorded his satisfaction that the petitioner is likely to be released on bail in respect of the aforesaid offences and further indulge in anti-social activities. The records also reveal that there is evidence against the petitioner that he has been threatening the witnesses and that the petitioner is involved in the offences of theft and robbery, as aforesaid. As stated in grounds in support of the detention order, the petitioner has been habitually committing or attempting to commit the offences punishable under Chapters 16 and 17 of the Indian Penal Code. Thus, in the facts and circumstances of the case, the subjective satisfaction recorded by the Detaining Authority cannot be said to be vitiated.

The petitioner has not urged any other ground against the impugned detention order.

The petition, thus, being devoid of any merits, is rejected. Rule is discharged.

\*\*\*\*\*

(apj)